THE EXAMINER.

No. 260 SUNDAY, DEC. 20, 1812.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT

No. 251.

REMARKS ON LORD ELLENBOROUGH'S CHARGE.

In sitting down to comment upon the most remarkable passages of this very remarkable Speech, we feel as the Noble and Learned Judge himself might do at a profuse entertainment, and are somewhat at a loss upon which to begin. One invites the attack, this cold weather, by it's smoke and it's evident heat; another is all that is piquant and provoking; a third promises to crumble at a touch, and almost provokes demolition; a fourth fairly looks as if it were trembling at it's fate, like blanc-manger; and the cloven foot peeps from a fifth, like the supplicating claws of a pigeon-pye. The best way however will be to go fairly through every one of them in it's turn, or at least to taste of every one as we go, in order, as the phrase is, that we may do justice to our host; and as his Lordship is known to enjoy his faculties to the utmost on similar occasions and never to be so much *himself*, as when he is eating as well as saying a multitude of good things, we trust he will extend the liberty of the table to us, and allow us to be as much *ourselves*, though we may not altogether be quite so festive.

Before we come to particulars on this subject, it may be as well to recollect what is the standard of moral taste by which the conduct of a Judge is to be estimated. What is the standard in the readers own mind? Undoubtedly one of the very highest. Every body, whether he has reflected or not upon the subject, feels almost instinctively what the behaviour of a Judge ought to be:—it ought to be self-possessed, calm, equable, impartial, having no respect of persons: in short, in manners, to be a pattern of gravity and decorum, and in morals, an inflexible maintainer of virtue. Above all, his Charge should be an epitome of his judicial virtues, and while it delivers his opinion on the matter before him and helps the Jury to a knowledge of the law on the subject, should beget in us a perfect sense of his fitness for his great task, and leave us with a reverent impression of the dignity of his demeanour, and the singleness of his mind.

We shall not stop here to recollect what sort of a figure Lord Ellenborough made upon the Bench in this instance, that is to say, whether he was as unmoved in body as in mind, or whether he entered with too great warmth into the pleadings before him, and exhibited symptoms of a zeal not altogether judicial; neither shall we stop to notice the singular imputation against our Advocate, with which he commenced his Charge, and which, we believe, is contrary to every thing that has hitherto been regarded as etiquette and decorum. We merely wish to say a few words upon his Lordship's mode of reasoning; and as his epithet of *poisonous*, applied to our publication and principles, has nothing of argument in it, we return it to him untouched, and beg him to keep it for his sauce and his turtle-soup.

To begin, then, with his Lordship's proper point of commencement,—the general question at issue. This he states to be, "Whether we are to live under the dominion of libellers, or under the controul and government of the law? For," continues his Lordship, "against the law and its provisions, this libeller with a bold front,—for this publisher of the writing upon record is a libeller with a bold front,—in defiance of the law, contends now, that for this violation of the law he is to be acquitted; not only so, but that, on all future times and occasions, every person holding a superior rank and situation in society, is, contrary to the very nature of that society, amenable to this sort of investigation, or rather this sort of attack, and that even when his ancestors, of any hereditary rank, (from the highest to the lowest order of hereditary rank in the kingdom) shall have accepted it from him, he shall personally renounce the protection of the law for his character and fame:—that is the proposition now contended for, and that the interests of morality require that they shall be assailed, *ad libitum*, by the press—by any person who chooses to attack."

The whole of this exordium, we will venture to say, is *begging* the question, instead of *putting* it. His Lordship begins with anticipating the verdict of the Jury, and calling us *libellers* and violaters of the *law*, and the word *law* he repeats four times in so many lines; but one of the most indispensible duties of a Judge on these occasions, is, as we have stated above, to explain to the Jury the nature of that law, and what constitutes the guilt of a libeller; and why did he not do so in the present instance, instead of taking their just application for granted? We will inform the Reader. The truth is, that the Lawyers themselves are not yet agreed upon the nature and definition of libel. Some have held that falsehood and malice only are libellous; others, and this seems to be the doctrine at present, that the greater the *truth* the greater the libel; and others again, that every thing is libel which is not licensed by Government. The consequence of these contradictory opinions, all of which have been acted upon in different instances, is, that the word *libeller* has absolutely no meaning at all, except perhaps that of a writer who has said something obnoxious to somebody, and it may equally be applied to the very best as well as worst characters that have appeared in the literary world. To say, for instance, here is "a libeller with a bold front,"

really amounts to nothing, till we know the definition of libel; it may mean, here is a bold teller of falsehoods, which is a great piece of reproach—or, here is a bold teller of truths, which is a great piece of praise. His Lordship, therefore, was bound by his office to help the vague notions of the Jury on this subject, if possible; and if it was not possible for him to do so, certainly no persons should suffer for the vague notions of the law itself. Had he entered, however, into an explanation of what he conceived to be the law of libel, and shewn the extent to which he was prepared to go with respect to the guilt of moral reproach upon the vices of a Ruler, it is possible that one or two persons out of twelve might have had a different feeling of the matter from what is produced by a vague and gratuitous tone of abhorrence, not unmingled with insinuations as to the doubt of that very truth, which is not allowed to be proved:—so sure, by the way, as we have already shewn in Sir William Garrow's Reply, and shall have occasion to shew presently in the Charge before us, is *a conscious something about the truth* to creep in upon all these occasions. Granting then the question to have been truly stated by Lord Ellenborough, "Whether we are to live under the dominion of libellers, or under the control and government of the law," still he left a great part of his task unperformed; but this was *not* the question as put forward and maintained by ourselves; and here is the second error of his exordium. The question was, "Whether the licentious example of a Court was to be overawed by the public voice, or whether, as it was out of the reach of the law, it was to remain triumphant and destroying?" The other is an evident burlesque. By the manner in which lawyers are apt to speak of the law, one might imagine that "its control and government" were sufficient for all the purposes of the community, and that obedience to the statutes would alone render us all that was well-constituted and amiable,—nay, not only so, but all that was happy in our governors, and all that was secure from pernicious example. But the moral world is regulated by opinion, as we shall see Lord Ellenborough acknowledging presently; and it was for giving this opinion it's only real effect upon certain vices, by giving it *a voice*, that we maintained our exemption from a civil tribunal, and that we have subsequently, and in our opinion illegally, been condemned by it. The monstrous and absurd proposition, fancifully ascribed to us by his Lordship—that every man of rank is to renounce the protection of the law for his character and fame,—is so far from having been entertained by us, that we lamented the necessity of denouncing pernicious examples, for which the law could have no remedy, and desired nothing better than that the persons denounced should get themselves a character and a fame which would secure them against attack: for as to the indiscriminate attack, to which his Lordship, in supposition of an impunity, would represent all men of rank as liable, whatever might be their character, it is clearly a ridiculous supposition. Vices out of the reach of the law, and materially affecting the public welfare, would still be attacked by a weapon, which we still maintain the law ought to respect; but what libellers would be tolerated with impunity, who should undertake to practise a similar control over imaginary vices and real virtues? What honest man would endure them? What patience could keep them existing? What law, either in the Decalogue or the Statutes, either in the morals of the philosopher or the ordinary necessities of the community, could even be *doubtful* against them?

Suppose, for instance, that instead of attacking the character of the Prince of Wales, we had attributed a whole list of follies and vices to that of Lord Grey, or Mr. Whitbread, or Sir Samuel Romilly;—or to put a more striking case, in a quarter where many errors are nevertheless imputable, suppose we had applied what we said of the Prince to the King his father:—could we have afterwards looked any decent man in the face? Would not people have flung our paper from them with indignation? And if such had been our habitual mode of "*libelling*," should we not have sunk, as we ought, into poverty, ruin, and infamy? Yet Lord Ellenborough can fancy a "dominion" of such libellers, and gravely ask us whether we are to be ruled by them or the laws! This is the worst of an unseasonable habit of joking: his Lordship puns and sports upon the Bench, till he loses all discrimination between jest and earnest, and is apt to be never so laughable, as when he least intends it.

It would be an useless task to follow such reasoning as this step by step, as we first intended; our time would only be wasted in refuting what every body can contradict for himself. We shall therefore select, or rather put together, (for they are sadly dislocated) the four prominent features of his Charge, that remain to be considered; and if in touching upon them, we omit or mistake any material point, the reader has the original by him at length, and may set us right if he pleases. These four remaining features are the bye-talk that has unconsciously crept in about the *truth* of our statement,—the argument deduced from the necessity of public estimation to men in office—his Lordship's use of the word MISFORTUNE, as applied to the Marquis of Headfort's Adultery;—and lastly, the pretty little deprecation of flattery, which he thought it necessary to make when about to say or to *hope* something respecting his Royal Highness's Virtues.

The question of *truth*, as we have before observed, will inevitably *force* itself into consideration on occasions like the present. When the Prosecutors really have it on their side, they vindicate it, of course, as they ought, and charge the libel with *falsehood* as well as with ill intention. In the present case, as in others of the same description, the word *false* was left out in the Information; falsehood was not *charged*, as the Solicitor General expressed it, and yet, as the reader has seen, he could not help assuming it for the moment, and uttering a bold contradiction, as if it had. My Lord Ellenborough, instead of explaining the

law to the Jury, gets into the same unconscious or rather conscious track of denial, so that you are refused the liberty of proving the truth of what you assert, only to give others the license of vague and sweeping contradiction. His Lordship however does not enter upon the broad and flat ground of contradiction like Sir WILLIAM GARROW: he contents himself with insinuations, and begins with a *Perhaps*—"An imputation, arising, *perhaps*, from the mere imagination of the party, or coined in the mint of the slanderer." We need not point out these delicacies of bye-play to the reader's admiration. A little further below, his Lordship becomes stronger, and complains that we adopt the whole of our assertions "as true;" and at last, in this wandering of mind between what ought and what ought not to be the ground of accusation against us, he fairly comes round to our own premises without suspecting it, and says that "*if* we tell of the PRINCE what is *not* the *truth*, we defame him."

But the respectability of men high in office, and the effective exercise of their duties, considerably depend, as his Lordship very justly thinks, upon their estimation with the public; and if "this spirit of libelling is to be indulged unchecked," that is to say, if this spirit of telling the truth, and nothing but the truth, is to pervade the press, he foresees two fatal effects from it; 1st, a destruction of all *sensibility* for fame and all zeal for the estimation of that public; and 2d, an impossibility, on the part of our Rulers, to perform the duties of their station properly. In plain English, his Lordship thinks that words are more dangerous than actions, and that to tell public men of their vices, which other people imagine to be the only way of shaming them into amendment, is not only destroying that sensibility for fame and that zeal for public estimation, which of course is perfectly compatible with the most vicious conduct, but putting them in danger of losing that necessary respect of the community, which so far from being risked by the said vices themselves, would always attend the possessors, as long as we said nothing about them! If this is a jargon, we should be glad of any explanation of his Lordship's opinion, that would render it otherwise. For our parts, we are too sick and tired of its absurdity, even to laugh at it; and we shall stop here for the present, out of mere listlessness and fatigue at having dragged ourselves so far. Next Sunday, we shall enter at large into the rest of the subject, particularly his Lordship's ideas upon the *venial* and *unfortunate* description of offences, and shall explain to our readers a Character, and tell them a Story, which will enable them properly to appreciate this unusual charity of the Bench. Venial and *softer* shades there undoubtedly are in almost every species of offence, particularly in the offences of the blood, and we shall be happy to make the distinction; but those shades are not cast by grey hairs.

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THE PRINCE OF WALES v. THE EXAMINER.

[*TAKEN IN SHORT HAND BY MR. JENKIN.*]

COURT OF KING'S BENCH.

Wednesday, Dec. 9.

Before Lord Ellenborough, and the following

SPECIAL JURY:—

John Bond, Church-street, Stoke Newington, Esq.
Samuel Sharwood, Charter-House square, Esq.
Joseph Watson, Portland street, Esq.
John Wilson, Devonshire-street, Cavendish-square, Esq.—(*Situation under Government*).
Daniel Garratt, Gower-street, Esq.—(*Situation under Government.*)
J. Kay, Bedford-street, Bedford-square, Esq.—(*Situation under Government.*)
Thomas Sumpter, Thornhaugh-street, Esq.—(*Situation under Government.*)
John L. Blackmore, Holles-street, Cavendish square, Esq. (*Employed by the Government Offices.*)
Joseph Brown, Thornhaugh-street, Esq.
Alexander Gibbons, Alfred-place, Esq.
J. Booth, Devonshire-street, Queen-square, Esq.
Samuel Jones, Queen-square, Esq.

MR. BROUGHAM'S DEFENCE,

(Concluded from our last)

Such were not the fears of the eminent Rulers who, in other times, administered the affairs of this kingdom. One of those great men, with whose talents and vices this country has been visited, as a warning to Princes at home, while they reproved their errors abroad, was wont to observe, when urged by inferior spirits to notice the attacks of the Daily Press, that "as if his government was made to stand, it needed not to fear paper shots."—It was the saying of Oliver Cromwell,—and his practice bare witness to his sincerity,—he prosecuted no man for his writings;—and yet what were the securities of his government compared with our own?—He had no hereditary honours,—no antiquity of family—no legality of title—nothing on which Kings are wont to rely;—he had no splendour of a Court to dazzle the multitude—no virtuous father to be revered—no amiable progeny to be loved—no affectionate people to back his claims—no firm union of Military Chiefs to overawe discontent.—Positive disadvantages, too, there were, with which his power had to struggle. He was himself deformed with vices—and the times were disfigured with fanaticism;—his ill-gotten throne was but of a year old;—his Councils were distracted with rivalships;—his prospects were every where clouded with lingering attachment to the rightful monarch. Yet such were the sentiments of this great and gallant man,—such his steady contempt of abuse. If, in these days, we have a government which boast not the talents and courage of a Cromwell at its head—nor numbers a Milton among its Secretaries—at least we have a dynasty strong in the virtues of the Monarch—in the magnitude of unprecedented establishments—in the boundless patience of the people;—and I will never think so meanly of its own merits, or of those foundations on which it rests, as to dread least paper shots may batter it down.—Gentlemen, I am now drawing to a close.—I have been speaking of the chimerical fears which some men entertain of free discussion;—but suffer me to say a word or two of the dangers which they seem to apprehend from your verdict of acquittal. When my Learned Friend again addresses you (for I perceive he has made his election, and is now resolved to reply), he will press this matter upon you, having indeed already more than hinted it in his opening speech. Let me, too, remind you, in my turn, that there may be some danger in a verdict of conviction. It is fit that, before making up your minds upon this question, you should have both sides of it full in your eyes—and be thoroughly aware of what you are about,—and of what mighty interests you are dispo-

ing,—not merely affecting the times we live in, but, as my Learned Friend truly told you, reaching into distant ages.—Are you then, I ask, prepared to say,—and if you are, convict!—but *are* you prepared to say, that vices the most shameless in their public exhibition, and most dangerous in their example, if they only reign in a Court, shall from henceforth be above all manner of reproof—as they are already above legal controul?—You know the laws do not reach them,—for I am speaking of immoralities which public justice knows not how to deal with, and which yet are practised by the most public characters, with the widest influence of example—I am speaking of persons above the check of legal visitation,—and who, if not controuled by the public voice, are not controuled at all;—Are you then prepared to say, that henceforth every check upon them shall be withdrawn?—For if their conduct may no longer be canvassed, there is no earthly check remaining to curb them.—Are you prepared to say, that the defendant must be viewed as a harmless, but visionary moralist—a misguided, though amiable fanatic—an innocent young man, ignorant of the endearing vices which sweeten and embellish fashionable life?—Will you tell me, that he is an outrageous lover of domestic virtue—an observer of domestic ties—a despiser of libertines,—to puritanical and ridiculous excess? Will you—dare you say, it is your duty, as twelve honest men,—married to virtuous wives, and the fathers of English children—to pronounce this writer a poor, mistaken, bewildered, uncourtly puritan?—Will you tell me, that we must no more talk of the morals of our ancestors, or of their decorum—that we must begin to scoff at their prudence—and, unable to imitate their virtue, throw off even the covering of decency?—Are we no longer to hate where we find vice—to pity where we find effeminacy—to laugh where we see foppery—to despise where we find cowardice?—Are we really come to this stage of improvement?—Are these the inventions of this our age? And is it indeed in England, that these things have come to pass?—But tell me, I beseech you, the date of this new era—let us at least know the period, from which we are to calculate our ruin.—Let me only know the time when it first was determined in England, that an honest, manly, ardent, hazardous, even an incautious, exposure of NOTORIOUS VICES IN PUBLIC MEN—of OSTENTATIOUS IMMORALITY IN THE HIGHEST STATIONS, is a *crime*, and not a *duty*, in those who instruct the People! If you abide by such principles—if you are resolved to annihilate, in an instant, all the controul by which the Great are restrained,—if you are desirous to open the floodgates that have heretofore stemmed the current of courtly vices,—to break down the only fences that guard the land,—and to see all decency as well as virtue overwhelmed in the flood—if you would let loose upon after ages (for in the present day the purity of the late reign may avert such a visitation)—if, upon after ages you would let loose a race, compared with whom the First Charles was wise,—the Second honourable—and the prodigies of ancient tyranny compassionate and chaste,—then pronounce a verdict of GUILTY!—And God forbid that any of yourselves should live to gather its fruit;—but may our posterity, who *must* see it ripen, know to whom they owe it! But I am fancying impossible things—I am terrifying myself and you with unreal dangers.—The country's highest interests are safe in your honest hands.—We have endured long,—we have suffered much,—we have been severely visited,—we have been grievously wronged;—but this worst of degradations we must escape—for the appeal has been made to JUSTICE, and it cannot,—it may not fail."

SIR WILLIAM GARROW'S REPLY.

Mr. SOLICITOR GENERAL.—May it please your Lordship—Gentlemen of the Jury—My Learned Friend, in some of the concluding sentences which he has pronounced, has told you, that he perceives I have made my election to exercise the *privilege* which belongs to me, of making some observations to you in reply.—The making an election on that subject has, long since, been quite out of my power, for my Learned Friend has, long since, imposed it as a duty on me, unless I meant to retire from the duty of my situation, and exhibit myself as being totally unworthy of ever being placed in it. My Learned Friend has told you in the outset, and more vehemently in the conclusion, he expects an acquittal at your hands.—He has desired of you, but on this condition, and this alone, as the ground on which he will allow it to be given, that you will pronounce to the world, that henceforth all Public Vices, and those who commit them, are to remain secure, uninterrupted, and unobserved upon, and that you are to tell all mankind, that in future no vice is to be punished; or the vicious be under the apprehension of having any animadversion on them, provided they are of the class and description which my Learned Friend, in the heated language of the conclusion of his address to you, has pourtrayed.—Gentlemen, I ask your verdict on no such ground, and if I did, I know you would not give it on any such.—The ground on which I ask it is this,—that of your being satisfied of the guilt which we impute to the defendants,—satisfied as men in the discharge of an important duty—a duty growing, every moment, more important to us, if we are to secure to ourselves the advantages we enjoy, by virtue of the invaluable Constitution under which we live.—On the ground or foundation of that noble fabric, erected by our ancestors,—that is the ground on which I ask your verdict;—and upon that ground I submit, that I am entitled to ask your verdict, and to say it is impossible for you to adopt the reasoning offered to you by my Learned Friend in defence of these defendants.—Gentlemen,—my Learned Friend has given you an account of his client—who and what he is;—that he is a literary man, whose pursuits are not among the gay and dissipated,—nay, that his being here now before you, is owing to his energetic and animated language,—to honest expressions, concerning public men and of public vices.—We are to take him, then, to be a retired and a studious man, who has no opportunity, or if he has opportunity, has no inclination, to mix in the world, and still less with public men; and, from the description of him by my Learned Friend to day, he is a person subject to all the inconveniences of enthusiasm, and that, by some, he is considered as a fanatic and a puritan.—He is supposed to pass much of his time in solitude, but to have composed the work in question, and now before us, having, before him, these several documents on which he was to comment, and this operates upon him as a stimulus.—He had seen something in some newspaper, among other things collected—I know not whether in his library, but, it appears from his Learned Counsel, that he had read in some newspaper or other at some time—probably on the 18th of March,—an account of a dinner on the 17th;—that in consequence of what he saw in that newspaper, whatever paper it was, he used some hasty expression in another newspaper, issued out into the world on the 22d of the same month;—that he was betrayed into warmth on account of what was stated to him in the newspaper which he saw, by way of report of what passed at that Dinner, and on no other account, except that of a speech which he saw in print, a speech delivered by an eloquent advocate in a cause which took place some years ago, for criminal conversation. And then, on the appointment of (my Learned Friend did not speak distinctly out upon this point, but I understood him to mean,) some person in the household of his Royal Highness the Prince Regent. But desirous, as my Learned Friend states, and anxious to shew the ideas he has upon the placing of this person in a high situation, and also feeling much indignation at the appointment, as well as the manner certain verses were written,—some doggrel in the style of *Rosa Matilda*, or some such author, which had the effect, he says, of turning into ridicule the object of their praise, and therefore he is determined to write a commentary upon these doggrel verses,—and my Learned Friend says, that unless you permit this, there is an end, at once, of all freedom of discussion for the future, and therefore, he must be permitted to do this, whatever he may choose to write under the title of "a commentary on some other publication."—Another of the illustrations of the propriety of this publication is, that of the subject which has long been in agitation concerning the inhabitants of Ireland.—Another subject of complaint on the part of this defendant, as exhibited by his Learned Counsel, is—that he is a man born your subject,—that you oppress him because you plundered his parents,—and you destroy his church, in order to

contribute to the expence of building up your own.—Mr. Hunt, my Learned Friend says, has no notion of any such injustice as this, and therefore, disappointed, as he states this gentleman to be, in his early hopes of his Royal Highness the Prince Regent, he publishes this work before us.—These are the grounds on which this defendant, by his Learned Counsel, states himself to have formed the resolution of writing this libel.—Well, under these impressions, he sits down to write this libel.—Now, let us see, let us see, how he deals with this subject.—In the first place, where are the grounds—upon what evidence, or upon what assurance, did this gentleman entertain his hopes, that at that period, or at any period, these hopes were to be gratified on the subject of the Catholics of Ireland?—Upon what ground does that gentleman decide, that that period, though not yet arrived, is removed to any certain distance, although we, as affectionate subjects of his Majesty, might at one time think that it might be removed to a distant period?—And further, upon what ground did he, or does he, expect the fulfilment of these hopes?—And upon what pretence, as it respects Ireland, has this Gentleman a right to state that the royal subject of this libel, as the representative of his royal father, is the disappointer of our hopes?—I presume, in the not having immediately changed the Royal Councils.—Called, as this illustrious personage was, at an arduous and distressing crisis of the state of the country, and of the world, to an administration of the royal functions for and in the name of his afflicted father, his Royal Highness found that father surrounded by servants, who had served him long, and in whom he had confided at this period,—those who had the best means of judging, and who were of opinion, that that calamity with which his Majesty was afflicted, was, and would be of a temporary duration only; and in not having instantly removed them, his Royal Highness was guilty of this high crime and misdemeanour, in the opinion of the writer of this libel.—They were supposed to have been previously thought by his Royal Highness. (I am not standing here as the advocate of his Royal Highness's councils,—it would be the height of presumption in me, in my view of dealing with this subject, here, or elsewhere—though elsewhere I may—but I am not in a condition to be called into his Royal Highness's councils, on matters of public state and importance:) —but his Royal Highness is supposed to have said something like this to himself:—"I am called, prematurely, to attend to the interests of a mighty empire.—A question is depending, which has long been agitated by some of the wisest and most virtuous and honourable men, by whom this most important point has been considered as doubtful as it respects the state—not now only, but the latest period of time to come;—I am desired immediately to make an entire and a sudden change in his Majesty's councils;—I am told that this particular project has pressed on the royal mind, and that public men, the most intelligent of every description, have been induced to consider, that during the remainder of the period in which it shall please God to continue this our sovereign, nothing should be allowed to disturb his mind upon that subject; I am told that the affliction under which he labours, and which we all deplore, may be temporary only—when I shall return to him his government given me in his name—Shall it be changed now in councils?—Now, at a period, when it will seem to him at least, that such a measure was eagerly and indecently adopted, and an opportunity taken to introduce a number of persons, whom *he disliked* in the greater part of his life, and whom, on the instant of return to health and to the discharge of his most important royal functions, he shall find surrounding his council board, those whom he did not invite; and all those individuals by himself selected,—all his councils, who had been with him up to the hour of the commencement of his affliction banished from his sight, and by me who represent him only during the continuance of his affliction—Shall I do so? Or shall I permit those to conduct those councils who have hitherto by his choice conducted these councils, with all the responsibility which attaches to their continuance, as to the manner in which the affairs of the government is to be conducted?" Under these circumstances, his Royal Highness determined to make no change in councils.

I do not say whether his Royal Highness did wisely, or the contrary, by continuing those individuals in his councils: but I do say, that "the very head and front of his offending," as to Ireland, "hath this extent, no more"—for his Royal Highness single handed could not accomplish, had he endeavoured to accomplish, that which seems, on the part of Ireland, to have been expected of him;—that the whole legislature has alone the power of doing:—his Royal Highness, therefore, cannot be fairly complained of, for not effecting that which my Learned Friend described in such glowing characters, and which he might have done, perhaps may do, in any other place than this with more fitness.—So much for this complaint.—But perhaps his Royal Highness has given new offence, for that his Majesty is now, we may say perhaps, removed from that state, in which his return to the exercise of the royal functions is to be expected or hoped for, and that therefore his Royal Highness should have chosen those for his councils whom certain persons would advise him to choose.—I am not here to debate a question, who ought to be the councils of his Royal Highness;—but I ask you, whether any thing which he has actually done, or whether any thing which my Learned Friend has said even, can justify his Royal Highness' being described in the terms of a "*violator of his word?*"—That my Learned Friend will admit nobody meant to say, for he would not use an expression of the character of falsehood—for it seems that the political sins of his Royal Highness are rather of omission than of commission,—here there is no breach of promise, for no promise was ever made—O! "but he has disappointed our hopes"—Yes, he has certainly disappointed the hopes of all who hoped to be taken into his confidence and councils; but what then?—What ground of excuse is that, for *slandering* his Royal Highness?—He has disappointed our hopes, and therefore we will hold him up to the world as a person not fit to be trusted, but a "*Violator of his word.*"—Then we are told that this is a discussion of the subject of Catholic Emancipation.—Now let me understand, or try to understand this.—I do not deny to Mr. Hunt, the author of the publication which the information before us terms a libel, the right;—nobody will deny him the right—least of all will the Noble and Learned Judge now upon the Bench, deny the right of discussion of public matters,—or of the public conduct of public men.—Nobody objects to giving to Mr. Hunt as many public men or measures as he chooses to take for the subject of discussion.—The subject of Catholic Emancipation is as good as any other;—he may discuss it in any manner he pleases, that is, in any *reasonable manner*:—he may discuss it if he thinks good, by way of advice to his Royal Highness to dismiss his present councils,—or he may discuss it in a religious, or he may discuss it in a political point of view, as may suit his taste best, so that he discusses in the language of *reason*.—He may argue, "that by accomplishing the subject of his wishes, Catholic Emancipation, we may be relieved from the necessity of keeping up an army in Ireland;"—or, "that it will do away all invidious distinctions on account of religious opinions;"—or he may place it in any other point of view, as it may present itself to his mind.—All I say, is that he should not *calumniate* those whom he proposes to provoke into a discussion, under the *pretext* of propagating *truth* for the benefit of mankind, or to check immorality: and that the author is sincere, for that if he *errs*, it is an error in judgment; and therefore venial. It is not new to have this kind of topic urged as an excuse for libels. I know of nothing that may not be so defended, or even so excused, of which I have had recent instances, and some proofs, by a gentleman, who told us that having read the Bible, and attended to what is recorded in that book, and having also taken the same pains with the New Testament, the result is, that he thinks it necessary, for the information, and, of course, the benefit of mankind, to tell them, that he has discovered, after long inquiry and profound reflection, that the Saviour of the world, as he is falsely (he says) called, was an impostor, who ought to be hanged, for that his creed is an impossible creed; that he has worked in any revealed [illegible]; that he formed his judgment from the notes of studious men in his closet, but that he understood the world thought the person, called the Saviour of the world, was their guide through life, and hope in death; but he did not be-

ha·e any thing of this, and therefore he had no creed; and that finally, he said, for those were the concluding words of his blasphemous libel, "that he who believed in Jesus Christ was an infidel to God."—The Court, however, disposed of that gentleman, and sent him where he now is.—We find some other gentlemen, for publishing slander on the subject of a trial for murder;—a libel on a learned Judge,—one of the most humane as well as one of the best informed men in the profession, and to which he is an honour—(it is often difficult to find apt words for a description of what we feel on such a subject);—the learned person, to whom I am now alluding, sits in Term time, next to my Lord on the left; that learned Judge was grossly libelled, for telling a Jury at a trial, that he did not think there was evidence sufficient to convict a person charged for murder, and who was afterwards acquitted by the Jury: and the excuse for the libel was, "that the author and publisher of it did not think that he ought to have been acquitted." The Court disposed of them as appertained to justice.—We had another gentleman here, a few days ago, for a libel on a Lady of rank and station, and of absolute purity of virtue;—the libel, however, insinuated the contrary, though admitted afterwards by the publisher of it to be perfectly correct; but the excuse for publishing the libel was, "that, forsooth, the laxity of morals in high life, at Brighton, required the restraint and coercive animadversions of a free press."—The Court disposed of him as justice required it should.—So this Gentleman, whose publication is now before us, tells you, through the medium of his Learned Counsel, that reading in a newspaper what he thought ridiculous, and connected with it something of *Rosa Matilda* in the *Morning Post*, and not at all with any view to ridicule his Royal Highness, but merely to expose some ridiculous composition,—how truly this was the motive of the defendant your verdict must to-day decide,—he proceeds to write thus:—"*What person, unacquainted with the true state of the case, would imagine, in reading these astounding eulogies, that this glory of the people was the subject of millions of shrugs and reproaches!*" But you will observe, Gentlemen, this author does not mean the least insult to his Royal Highness by this—he only means to shew you, "that those who were encouraging him in vices were, at the same time, over-loading him with panegyrics."—If that was his meaning, why did he not say so, and enter into some kind of reasoning, in his journal, with those persons who were thus insulting his Royal Highness? Why did he not say to them, "you profess to advance the renown of the object of your praise, but I tell you that your labours produce a contrary effect."—Is that the language which he uses? Oh no; he tells his readers, that this Royal Personage is "*the subject of millions of shrugs and reproaches:*" That this "*Protector of the Arts had named a wretched foreigner his historical painter, in disparagement or in ignorance of the merits of his own countrymen!*" That this "*Mecænas of the age patronized not a single deserving writer!*" That this "*Breather of Eloquence*"—But to come to that which my Learned Friend passed over with great adroitness,—That this "*Exciter of desire (bravo Messieurs of the Post)*—describing his Royal Highness's person, and then he comes to the concluding passage—"*In short, that this delightful, blissful, wise, pleasurable, honourable, virtuous, true, and immortal Prince, was a violator of his word!*" This is said to be for other purposes than that to which we say it was. Now, for what other purpose, except for those of ridicule and contempt, is it stated, in the most unqualified manner, that this Prince is "*a Violator of his word?*" "*A Libertine in debt,*" my Learned Friend says—he passed over this passage very lightly,—he said, "he was certainly in debt, and might very harmlessly be stated to be so, as a person in his exalted situation might well be; for it was not probable that such an illustrious Prince should look very accurately into the expenditure of his income, which became the subject of arrangement by Parliament,"—which my Learned Friend described accurately enough, and he was correct in saying his Royal Highness is in debt; but does the passage, on which all this ingenious reasoning of my Learned Friend is bestowed, stop where he stops?—Does it only say that his Royal Highness was a libertine over head and ears in debt?—Does it stop there?—No; over head and ears in debt "*and disgrace;*"—and yet this is only explaining certain panegyrics published unworthily on his Royal Highness, by another person in another paper—or on account of the disappointment of the hopes of this Gentleman who writes thus.—Besides this—his Royal Highness is here said to be "*A despiser of Domestic Ties.*"—Here my Learned Friend told you, that the ground was so delicate, that he trembled as he travelled over it, and he congratulated himself on his having passed it.—Indeed, Gentlemen, my Learned Friend was right in saying that the subject *is delicate:* for I have lived long enough to know, there are topics introduced into more libels than the present, in the hope that on the account of their delicacy, they will intimidate their object from prosecuting their author.—Gentlemen, I will follow the example of my Learned Friend, and I hope improve upon it, *by dismissing that part of the subject without another word.*—Then my Friend says, that the following sentence is not a fit subject of prosecution:—That his Royal Highness is "*The Companion of Gamblers and Demireps.*"—Now, let us see a little, how my Learned Friend sets about to defend this.—The author of it, he says, was writing or reading, I do not remember which he said—in his closet;—the best place and best employment, perhaps, for such a lover of virtue—when, just at this time, there lay upon his table the speech of an eloquent Advocate,—not Master of the Rolls at that time,—a slip of my Learned Friend; for if he had been Master of the Rolls, he could not have made a speech at the Bar.

Mr. BROUGHAM. I said the *now* Master of the Rolls, Mr. *Curran*, the *present* Master of the Rolls.

Mr. SOLICITOR-GENERAL. My Learned Friend is correct in that; but whether it was the most eloquent speech ever delivered at the Bar or not, I do not know; no doubt it was the speech of a very able person, but that it was the most eloquent ever delivered at the Bar, may be doubted, on *this* side the water, by those who have had the delight as well as edification, of often hearing a gentleman who was so long the ornament of our profession, Mr. ERSKINE—however little pleased the gentlemen of *Ireland* may be to hear that doubt suggested.—Be that as it may; but my Learned Friend tells you, that this defendant, irritated by the disappointment of his hopes in his Royal Highness, and disgusted with the doggrel verses which he had been reading, was led to write this which I am now commenting upon;—and here my Learned Friend, with a view of keeping his client in good company, and to shew what men of genius will do, when writing in ridicule of what they despise, invokes the aid of Mr. BURKE, from whose works he quotes some passages, wherein that great man states, "That kings are lovers of low company," and so on, and that dukes and other nobles imitated the vulgar sometimes for the pastime of monarchs, and so on.—But does that justify what is here said of the illustrious Prince now exercising the power of government of this mighty empire—that he is a violator of his word—and that he is the companion of gamblers and demireps?—Here he states also, some indignation which his client felt at finding announced in the Gazette a Noble Person, not named, to an high station, who had been made to pay damages for the violation of an honourable man's bed;—that the appointment of that person to a situation about the person of the Prince, was a violation of decorum, over which there can be no controul, unless it be the censure of the press,—and therefore no prosecution should be followed up against the author of these commentaries, which, among other things, say, that his Royal Highness is the "*Companion of Gamblers and Demireps.*"—So that we are to take this for fair, dispassionate reasoning, in the character of a corrective to fulsome panegyric;—and this is a person, so grave and discreet, and withal so rigid, as to go beyond other men in the censure of immorality, especially of adultery.—But my Learned Friend does not agree with him.

Mr. BROUGHAM.—I said I did not agree with him on the point to which I referred;—but it does not follow that I do not agree with him in many others.

Mr. SOLICITOR-GENERAL.—I do not mean to say, that my

Learned Friend, Mr. Brougham, thinks adultery such a venial crime as to be passed over,—or that he thinks any immorality should; but I am not quite sure that I understood my Friend in every instance. I understood him generally, to mean, "that his client was in some things so puritanical and enthusiastic, that he could not go along with him—that is all I mean to say.—No man who knows me, will suppose that I mean to insinuate any suspicion of the virtue which adorns the life of my Learned Friend.—But his client says, his Royal Highness is "*The Companion of Gamblers and Demireps*;"—and my Learned Friend, his Counsel, says for him, that this arose from a virtuous indignation against the appointment of a person who was guilty of a great crime—and he should expose him.—Do so;—but is that a reason why his Royal Highness, who has, *upon representations made to him* by those whose duty it is to report matters faithfully, *upon the faith of that representation*, appointed a person who has had the MISFORTUNE which is alluded to, when he makes an appointment about his Household, in which that individual is included,—is that a reason, why his Royal Highness should be called "*The Companion of Gamblers and Demireps?*"—If you think that his virtuous indignation at adultery, and not an intent to traduce the immediate object of his attack, was the motive for making that observation,—then you will give him the benefit of that observation. Now we come to the last sentence of this publication:—"*He is a Man who has just closed half a Century without one single claim on the gratitude of his Country or the respect of Posterity.—These*" he says, "*are hard truths.*"—Now, Mr. Hunt says, these are mere commentaries on bad verses.—No;—Mr. *Hunt* does *not* say so,—only his *Counsel* says so for him.—His Counsel says, that this is a mere disquisition on doggrel lines—they are, he says, what cannot approach to an attempt to criminate the character of his Royal Highness.—Mr. *Hunt*, himself, thinks otherwise.—*He* does not think that they do not approach an attempt to criminate the character of his Royal Highness. He thinks, not that they approach, but that they actually touch that character with crime, for he says,—"*These are hard Truths*,"—and, as such, he thinks them calculated to alienate the affections of the people from the government, to which all classes of his Majesty's subjects ought to look up for protection.—As a proof that Mr. Hunt himself thinks that they may have that effect, he follows it up by saying—"*But, are they* NOT *truths.*"—Gentlemen, THEY ARE NOT TRUTHS, *if that be the object of that inquiry.*—Now, I put it to you as honourable, as reasonable men,—do you not think that this publication was composed as a libel?—Do you not feel that every one human being who has heard it, must consider it so?—I will not fatigue you further, neither will I attempt TO THREATEN YOU WITH ANY CONSEQUENCES, on your disappointing any expectations; but when you shall have heard from my Lord Chief Justice his opinion, in the discharge of that duty which the law will not allow him to retire from; you will, I am confident, come to the *same conclusion* as that which will *meet the concurrence of every twelve men in any state in the British Empire*,—that it is a gross, atrocious, wicked, and diabolical libel.

LORD ELLENBOROUGH'S CHARGE.

Gentlemen of the Jury,—This is an information, filed against the two defendants, John Hunt and Leigh Hunt, as Printers and Publishers of a libel, stated and set out at the foot of this information; to which the Defendants have pleaded Not Guilty, and the issue joined by them to-day, as we are to collect it from the language of their Counsel, *who certainly*, if I am to collect it from his speech only of the day, *has imbibed in its fullest extent the spirit of his client, and to be inoculated with all the poison of his publication, and the principles from which it proceeded*;—but I am inclined to hope and believe better things of the person who has addressed you, and that in the view which he has taken of what is the convenience of the defence, he has stated rather the principles of his client than his own. The issue you have to try, under the circumstances, and the question is—whether we are to live under the dominion of libellers, or under the control and government of the law? For, against the law and its provisions, this libeller, with a bold front,—for this publisher of the writing upon record is a libeller with a bold front,—in defiance of the law, contends now, that, for this violation of the law, he is to be acquitted; not only so, but that, on all future times and occasions, every person holding a superior rank and situation in society, is, contrary to the very nature of that society, amenable to this sort of investigation, or rather this sort of attack, and that even when his ancestors, of any hereditary rank, (from the highest to the lowest order of hereditary rank in the kingdom) shall have accepted it from him, he shall personally renounce the protection of the law, for his character and fame:—that is the proposition now contended for, and that the interests of morality require that they shall be assailed, *ad libitum*, by the press—by any person who chooses to attack—What is to be the situation of a person so attacked?—It happens to many, that they do not know of the attack, because private peace is not disturbed by the communication of the slander:—but is the Prince of Wales to appear at the bar erected by these libellers, and to answer them in the press, and to proceed to vindicate himself from an imputation, arising, PERHAPS, from the *mere imagination of the party*, or *coined in the mint of the slanderer?*—Who shall say that they shall renounce the protection of their character, as established by the law, and render themselves liable to these attacks?—If such is to be the case, what man of *sensibility and manners* would, under such conditions, ever accept any situation or rank in this country?—This spirit of libelling indulged unchecked, especially against *such persons*, would have this fatal effect:—it would *destroy all sensibility for fame, that zeal for the estimation of the society in which we live*, which is the *strongest incitement to virtue, and encouragement to proper conduct*: instead of fostering and protecting of *virtue*, it would destroy all *sensibility*, by which virtue is fostered and protected. Now for the libel.—The excuse is, that a publication had issued, importing that a vast number of ornamental qualities belonged to His Royal Highness which he did not possess, and that provoked the indignation and excited the disgust of the person who made the comment on the adulation.—I admit, that if any person will excite disgust by fulsome adulation, it is fair to reprobate the adulation, and to express the disgust excited; but, if the adulation of the character made it *publici juris*, where would be the end of it?—It is to arraign that adulation that the ridicule is admissible, but not otherwise. For, as in the case of a dedication, where the praise is either so unworthily or excessively bestowed, that disgust is excited by reading it,—if a person has bestowed a degree of adulation on another, so as to excite disgust, by saying that he is wise, just, honourable, and brave, and that another were upon this immediately to say, that the same individual was neither of these—but that he was unwise, unjust, dishonourable, and a coward,—that could never be allowed. There are a variety of cases, in which this may be considered extremely injurious to men's characters, and it would be very hard indeed, upon any one, *be his character what it may*, who should have that character determined, upon a comparison between the indiscretion of the adulation of one person, and the description of another who chooses to revile him; and yet it is contended here, that the excessive praise on one hand, is a licence to detraction on the other.—This is the grave defence.—The other is on higher topics, made to you and to other auditors, or rather to other readers than you; but this is the real defence,—that a man having bestowed adulation, (which I am far from commending, for all adulation, in well regulated minds, creates disgust;) entitles another to detract,—and supposing that the defendant had a right to reply to it, does not he aver that which he has stated, *personally?*—Does he not aver this, *substantially*, of the Prince, at his own personal hazard?—for he says,—"*These are hard truths,—but are they* not *truths?*"—Is not that adopting the whole *as true*, and giving it to the public at the hazard of his own conviction?—Gentlemen,—as a person who holds such an important station as his Royal Highness holds, is so interesting, it is important, also, that *he who holds the office*, as well as the office itself, *should be held in public estimation*.—Half of all

the duties we perform in public depend upon the *personal character* and *public estimation* of the person who performs them:—most of our important duties, as subjects, are of that description:—therefore, when a person, on whom the Government of the Country is, for a time, invested, is *defamed*, can that duty be competently performed, especially if we are taught to believe, *from an industrious School of Libel*, that he who holds that dignity, and is to perform that duty, is the basest of mankind; for in that way is he endeavoured to be held up by this libel; for he is stated to be "*a violator of his word.*"—But the discretion of the Gentleman who addressed you for the defendants, said, that these things are published on his Royal Highness, not in his private character as a man, but as a Prince. Does that mend the matter?—But if he takes upon him to represent the Prince in his regal character, as the representative of his Royal Father; and *if* he tell of him WHAT IS NOT THE TRUTH, he *defames* him in his regal character; and the higher the character, the more calumnious and degrading the imputation.—Then we come to the circumstance of the charge on what is said of his Royal Highness being in debt,—which the defendant's Counsel maintains to be innocent, and according to the fact—that he is in debt; but he drops all the context, "*over head and ears in debt*,"—Is that all?—No—"*and disgrace*," follow. Then he is said to be "*the Companion of Gamblers and Demireps.*" That is said *on the suspicion* that his Royal Highness has taken into his Councils a person, against whom a crime of adultery has been proved, and against whom unexampled damages are said to have been recovered.—I cannot say, that recovering damages must, at all events, cast a shade over the character of the person against whom they are recovered.—*I do not go into any particulars*; but there sometimes are circumstances, that may make a case *venial* in that respect.—For, in the present reign, the reign of his Royal Highness's father,—most exemplary for the observance of every religious and moral duty,—(I do not point to the instance)—but if we look back rigidly, on every person presented to his Councils, we shall find, in the highest trust in Government, one, who has not steered clear of a similar MISFORTUNE; I chuse to call it by that name; for though it may be a vice, and of the most enormous kind, in some cases, it is not so in all; *circumstances may render it venial.* Gentlemen,—then the libel goes on to state that his Royal Highness is *a man who has just closed half a century, without one single claim on the gratitude of his country or the respect of posterity.*"—It would ill become me, in the place wherein I now sit, to do, on this occasion, *what I never did yet,—to flatter any person, in any situation*—I do not sit here for the purposes of commendation—I *need* not here address you *with any commendation on this Great Personage*:—But, is it to be endured, that he, who has the Government and protection (and I HOPE, in the exercise, MANY VIRTUES) of this Empire, should be held out to the subjects of that Empire, so under that protection, as one who has arrived at the age of fifty years, and that, for that period of his life, he has not done one thing to form a claim on the gratitude of his country or the respect of posterity:—as one, worthless for the past, and hopeless for the future:—living in the world without benefit to any body in it, and likely to leave it without respect?—Gentlemen, if you think society can stand with the allowance of this unlimited liberty of libel, say so by your verdict, and let us shift for ourselves, in that disordered state of the world, in which each individual must do what he can for himself, in the general wreck of the community; but, if there be one man among you, who, laying his hand upon his heart, and pledging only the *veracity of a Gentleman*, will say he does not think this a foul libel, let him say so;—but if there be any there, who, governed by the more sacred obligation of an oath, as judicial and binding that declaration, thinks it is a libel—then pronounce this publication, as I feel it my duty to pronounce it, a foul, atrocious, and malignant libel.—Whether it so appears to you, Gentlemen, you will say by your verdict.

The Jury, after a short consultation, having turned round, were asked by Mr. Lowten, the Officer of the Court,—Gentlemen, are you all agreed in your verdict?

JURYMAN.—Yes—all but one Gentleman.

OFFICER.—You must withdraw, then, Gentlemen.

The Jury withdrew—returned in about a quarter of an hour,—their names being called over, and each answering to his name—

OFFICER.—How say ye, is John Hunt guilty, or not guilty?

FOREMAN.—Guilty.

OFFICER.—Is Leigh Hunt guilty, or not guilty?

JURYMEN.—They are both included in one publication.

OFFICER.—Then harken to your verdict, as the Court shall record it.—You say that they are both guilty?

JURYMAN.—Yes.

The verdict was then recorded.

FOREIGN INTELLIGENCE.

AMERICA.

PRESIDENT'S MESSAGE.

WASHINGTON, NOV. 4.—The President of the United States this day communicated to Mr. Coles, his private Secretary, the following Message to Congress:—

Fellow Citizens of the Senate and House of Representatives.

On our present meeting, it is my first duty to invite your attention to the providential favours which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labours bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favourable to the national prosperity, there is just occasion also for our mutual congratulations and thankfulness.

With these blessings are naturally mingled the pressures and vicissitudes incidental to the state of war into which the United States have been forced by the perseverance of a foreign Power in its system of injustice and aggression. Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory, with a general view to its security; and, in the event of war, to such operations in the uppermost Canada, as would intercept the hostile influence of Great Britain over the savages; obtain the command of the lake on which that part of Canada borders; and maintain co-operating relations with such forces as might be most conveniently employed against other parts.

Brigadier Gen. Hull was charged with this provisional service, having under his command a body of troops, composed of regulars and volunteers from the state of the Ohio; having reached his destination, after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighbouring territority of the enemy with a prospect of an easy and victorious progress. The expedition nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that Officer. The causes of this painful reverse will be investigated by a Military Tribunal. A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace, and promoted civilization amongst that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honourable war, and against the feelings sacred to humanity, the British Commanders cannot resort to a plan of retaliation; for it is committed in the face of our example. They cannot mitigate it by calling it a self-defence against men in arms, for it embraces the most shocking butcheries of defenceless families: nor can it be pretended that they are not answerable for the atrocities perpetrated, since the savages are employed with

the knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs, that the national spirit rises according to the pressure on it. The loss of an important post, and the brave men surrendered with it, inspired every where new ardour and determination. In the states and districts most remote, it was no sooner known, than every citizen was eager to fly with his arms at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier; and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier-Gen. Harrison, who possesses the entire confidence of his fellow soldiers; among whom are citizens—some of them volunteers in the ranks—not less distinguished by their political stations, than by their personal merits.

The greater portion of this force is proceeding on its destination towards the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensible by the subserviency into which they had been seduced by the enemy; a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces, under the command of Major-Gen. Van Rensselaer, of the militia of the State of New-York. The attack, it appears, was ordered in compliance with the ardour of the troops, who executed it with distinguished gallantry, and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the Commanding General, who was also Governor of the Province; and was sustained by veteran troops, from inexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the Lakes by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will ensure for the next a naval ascendancy where it is essential, to a permanent peace with and a controul over the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the Governors of the Massachusetts and Connecticut, to furnish the required detachments of militia towards the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the Constitution relating to the militia. The correspondence which will be before you, contain the requisite information on the subject. It is obvious, that if the authority of the United States to call into service and command the militia for the public defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it, and that the public safety may have no other resource than those large and permanent military establishments which are forbidden by the principles of our free Government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruizers, by their activity, and where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having been much favoured in it by the course pursued by a squadron of our frigates under the command of Commodore Rogers; and in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by Capt. Hull, after a close and short engagement, completely disabled and captured a British frigate; gaining for that officer, and all on board, a praise which cannot be too liberally bestowed—not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without waiting the delays of a formal and final pacification, and our Charge d'Affaires at London was at the same time authorised to agree to an armistice, founded upon them. These terms required, that the Orders in Council should be repealed, as they affected the United States, without a revival of the blockades violating acknowledged rules; that there should be an immediate discharge of American seamen from British ships, and a stop to impressments from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated, and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies.

Although a repeal of the orders susceptible of explanations meeting the views of this Government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined from an avowed repugnance to a suspension of the practice of impressment during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this Government, affording an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favourable light, or received in a more accommodating spirit, remains to be known. It would be unwise to release our measures, in any respect, on a presumption of such a result.

The documents from the department of State, which relate to this subject, will give a view also of the propositions for an Armistice, which have been received here,—one of them from the authorities at Halifax and in Canada, the other from the British Government itself, through Admiral Warren; and of the grounds upon which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communication to you.

Notwithstanding the authorised expectation of an early as well as favourable issue of the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan Decrees. This proceeding, although made the ground of the repeal of the British Orders in Council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special Minister to Denmark, afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish Government.—From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favourable to existing harmony.

With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The Consul General residing with that Regency has suddenly, and without cause, been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism, or the first act of predetermined hostility, is not ascertained. Precautions were taken by the Consul on the latter supposition.

The Indian tribes, not under foreign instigations, remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of the existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence, and the high wages for every species of occupation, that, notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniencies and expences incident to them. The remedy lies in establishing more favourably for the private soldier, the proportion between his recompence and the term of his enlistment: and it is a subject which cannot too soon or too seriously be taken into consideration. The same insufficiency has been experienced in the provisions for volunteers made by an act of the last Session. The recompence for the service required in this case, is still less attractive than in the other: and although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice, can reasonably be expected to yield to the impulse. It will merit consideration also, whether, as auxiliary to the security of our frontier, corps may not be advantageously organised, with a restriction of their services to particular districts convenient to them; and whether the local or occasional services of marines or others in the sea port towns, under a similar organization, would not be a proper addition to the means of their defence. I recommend a provision for an increase of the General Officers of the Army, the deficiency of which has been illustrated by the number and distance of separate commands, which the cause of the war, and the advantage of the service, have required; and I cannot press too strongly on the earliest attention of the Legislature, the importance of the re-organization of the Staff Establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments: that there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally by the examples of other countries, and by the experience of our own.

A revision of the Militia Laws, for the purpose of rendering them more systematic, and better adapting them to emergencies of the war, is at this time particularly desirable. Of the additional ships authorised to be fitted for service, two will be shortly ready to sail, a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship building, the greater part has been applied to that object, and the purchases will be continued with the balance. The enterprising spirit which characterized our naval force, and its success both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement upon it.

There being reason to believe, that the Act prohibiting the acceptance of British licences is not a sufficient guard against the use of them, for purposes favourable to the interests and views of the enemy; further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason, nor yet embraced by any statutory provisions.

A considerable number of American vessels, which were in England when the revocation of the Orders in Council took place, were laden with British manufactures, under an erroneous impression that the Non-Importation Act would immediately cease to operate, have arrived in the United States. It did not appear proper to exercise on unforeseen cases of such magnitude, the ordinary powers vested in the Treasury Department, to mitigate forfeitures without previously affording Congress an opportunity of making on the subject such provisions as they may think proper. In their decision they will, doubtless, equally consult what is due to equitable considerations, and to the public interest.

The receipts into the Treasury during the year ending on the 30th of Sept. last, have exceeded 16 millions and a half dollars; which have been sufficient to defray all the demands on the Treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts are included a sum of 8,850,000 received on account of the loans authorised by the Acts of last Session. The whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which being receivable subsequent to the 30th of September, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties of the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated. The situation of our country, fellow citizens, is not with all its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of this nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing, that the war in which we are actually engaged, is a war, neither of ambition nor vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally not declared, until every hope of averting it was extinguished by the transfer of the British sceptres into new hands, clinging to former Councils, and until declarations were reiterated in the last hour through the British Envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked, without violating the obligations of Great Britain to other Powers as well as to her own interests. To have shrunk under such circumstances from manly resistance, would have been a degradation blasting our best and proudest hopes. It would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals.

It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made in a just cause, to the just and powerful Being who holds in his hands the chain of events and the destiny of nations. It remains only that, faithful to ourselves, entangled with no connections with the views of other Powers, and ever ready to accept peace from the hand of justice, we prosecute that war with united council, and with the ample faculties of the nation, until peace be so obtained, and as the only means under the divine blessing of speedily obtaining it.

Nov. 4, 1812. JAMES MADISON.

IMPERIAL PARLIAMENT.

RUSSIA.

With the exception of the proposed grant to Russia, there has been nothing of moment before Parliament during the past week. It was on Thursday that the following Message was presented to both Houses from the Prince Regent:—

"GEORGE P. R.

"The PRINCE REGENT, acting in the name and on behalf of his Majesty, having taken into his serious consideration the accounts which he has received of the severe distresses to which the inhabitants of a part of the empire of Russia have been ex-

posed in their persons and property, in consequence of the unprovoked and atrocious invasion of that country by the Ruler of France, and the exemplary and extraordinary magnanimity and fortitude with which they have submitted to the greatest privations and sufferings, in the defence of their country; and the ardent loyalty and unconquerable spirit they have displayed in its cause, whereby results have been produced of the utmost importance to the interest of this kingdom, and to the general cause of Europe, recommends to the House of Commons, to enable his Royal Highness, in aid of the Contributions which have been commenced within the Russian Empire for this purpose, to afford to the suffering subjects of his Majesty's good and great ally, the Emperor of Russia, such speedy and effectual relief as may be suitable to this most interesting occasion.

"P. R."

Upon Mr. VANSITTART proposing that the Message should be referred to a Committee, Mr. WHITBREAD remarked, that we ought to begin by relieving our own starving manufacturers first, as he saw no reason why, in this instance, charity should not begin at home;—and Sir F. BURDETT said, that this Message was not only extraordinary, but insulting to the people of this country.—On Friday, however, the subject was resumed. Mr. VANSITTART, after dilating upon the extraordinary exertions and sufferings of the Russians, moved, "that a sum not exceeding 200,000*l.* be granted to his Majesty, for the relief of such parts of the Empire of Russia as have suffered from the invasion of that country."—Mr. PONSONBY said, he should vote for the motion, not under the supposition that any of the money would go to the Russian peasantry, but as a present to the Emperor, to shew that we were not backward in approving of the noble struggle in which he was engaged.—Mr. WHITBREAD again opposed this subsidy, for a subsidy, he said, it was, though a paltry one: he thought that, before we went abroad with our charity, we should examine whether we had not at home cases of as crying distress as could well be imagined, to which such relief might well be extended.—To this Lord CASTLEREAGH replied, that the proposed aid was not a subsidy, but was designed to assist the contributions now raising in Russia, for the purpose of enabling the peasantry to rebuild their houses, and resume their occupations. His Lordship also observed, that the Russian successes might produce a *peace*, founded on national honour and security, in which every man might sit down in safety.—Sir F. BURDETT said, he heard the word *peace*, from the other side of the House, with much pleasure; and if he thought the grant would tend to hasten it, he would not oppose the measure; but while no attempt was made to retrench wasteful and superfluous excess, he could not consent to take the money out of the pockets of the poor of this country, knowing how great were their distresses, which made every feeling heart bleed.—Lord COCHRANE and Mr. WILBERFORCE both approved the motion, which was carried without a division, as it was also in the Lords.

TUESDAY'S LONDON GAZETTE.

BANKRUPTCY ENLARGED.

G. Hague, Sheffield, cutler, Jan. to Jan. 16.

BANKRUPTS.

J. Cook, Fenchurch-street, stationer.
R. Cropley, Norwich, shoemaker.
C. King, Bristol, cabinet-maker.
T. Hunt, Great Wild-street, Lincoln's-inn-fields, victualler.
E. Ingall, Great Russell-street, linen-draper.
J. Boyce, Paradise-street, Rotherhithe, house-carpenter.
J. Jones, Commercial-row, mariner.
J. E. Ford, Bishopsgate-street, wool dealer.
S. Wallens and T. Attwood, Oldswinford, Worcester, anvil-makers.
J. Arnold, Rawstone-street, Brompton, carpenter.
W. Wilkes, Suffolk-street, Middlesex Hospital, tailor.
F. Sutterby, Tufton-street, carpenter.
W. Geldart, Sunderland, butcher.
T. Poppleton, Boston, draper.
C. Grill, Dunster-court, Mincing-lane, merchant.
W. Jones and R. Taylor, Wilmslow, Chester, cotton-spinners.
J. Clough, Manchester, common-brewer.
G. A. Witty, Bishop's Walk, Lambeth, builder.
J. Colville, London, and D. Sheldon, Manchester, manufacturers.
D. De Berdt, jun. Spann's-buildings, Rancras, dealer.
J. J. and W. Bickers, Bucklersbury, warehousemen.
J. Cooke, Speldhurst-street, Burton-crescent, surgeon and apothecary.

LONDON GAZETTE EXTRAORDINARY,

WEDNESDAY, DEC. 16.

Foreign-Office, Dec. 16, 1812.

Dispatches, of which the following are copies, were received last night by Viscount Castlereagh, one of his Majesty's Principal Secretaries of State, from Gen. Viscount Cathcart, K. T. his Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of Russia, dated at St. Petersburgh, the 23d and 25th of November, 1812:—

St. Petersburg, Nov. 23.

MY LORD,—In my dispatch of the 15th inst. I had the honour to detail such operations of Marshal Kutusoff's army as had come to my knowledge up to the 9th of November; since that date no report has been received of the further proceedings of the corps entrusted to Gen. Platoff. The Field Marshal had calculated to reach Krasnoi on the 14th instant; but although he had approached within a few wersts of that place, I have not heard that his head-quarters were established there on the 16th. His last dispatch of the latter date announces his intention of forwarding a journal of the preceding days, which will contain important relations, but it has not as yet been received. On the 9th of November, Count Orloff Denizoff, being advanced on the roads towards Smolensko and Krasnoi, received intelligence of the march of a French corps from Smolensko in the direction of Kalouga, composed of fresh troops intended for the different regiments of guards; this force was under the command of Gen. Barraguay D'Hillier, having with him General Charpentier and Brigadier Gen. Augereau, brother to the Marshal of that name. They were distributed in the three villages of Yasvin, Lakoff, and Dolgomost. A disposition of attack was immediately made by three partizan corps, commanded by Capt. Seslavin, Col. Davidoff, and Capt. Phigner. The result was, that the corps under Charpentier was nearly cut to pieces; that Barraguay D'Hillier having patiently heard a cannonade for several hours in the quarters of Augereau's division, made good his retreat to Smolensko; and that Augereau's corps of three thousand men, after losing nearly one-third of their number, laid down their arms and capitulated to Capt. Phigner, who had not 1,500 men, and who appears to have conducted this affair with infinite address and gallantry.

In this corps were two squadrons of cavalry, well mounted. The prisoners amounted to one General, sixty staff and other officers, and two thousand rank and file. The officers who capitulated stated the object of their march by that route was to open another communication in the direction of Kalouga; they were not aware of the retreat of their army. Since this affair, three General Officers, upwards of twenty pieces of cannon, and four thousand prisoners, have been taken near Smolensko, but the particulars are not yet reported. On the 11th instant, Gen. Count Wittgenstein was attacked by Marshal Victor, who had orders to drive him to the other side of the Dwina. The enemy was repulsed, with the loss of two to three thousand men, and was pursued the next morning in his retreat towards Senno, when six hundred prisoners were taken. I have the honour to inclose a copy of Major Gen. Baron Dornberg's report of this affair. Nothing material occurred at this post till the 18th, when Count Wittgenstein was joined by Col. Chernichef, Aid-de-camp to his Imperial Majesty, who had been detached by Admiral Tchichagoff, with a small corps of light cavalry, to discover and ascertain Gen. Count Wittgenstein's position. In the course of this expedition, the Colonel

had the singular good fortune to rescue Major Gen. Baron Winzingerode and his Aide-de-camp, Capt. Naishkin, between Vilna and Minsk; they were proceeding towards the frontier, under an escort of gens d'armes, and had been marched from Verrea, where they were presented to Bonaparte, with the French guards under the charge of Junot. Col. Chernichef also took three couriers, one coming from and the other two going to Paris. From these sources of intelligence it is ascertained, that Bonaparte was at Smolen-ko on the 13th instant. Admiral Tchichakoff intended, according to his route, to arrive at Minsk on the 17th instant. Col. Chernichef arrived at the Palace yesterday, accompanied by the prisoners he has released, and bringing with him the intercepted dispatches. Those from Paris contain nothing but military plans and maps. The expedition of Col. Chernichef was a continued and extraordinary exertion, he having marched seven hundred wersts in five days, and swam across several rivers. It is stated, but no official report has been received, that Gen. Sachen has been left with a detachment to observe Prince Schwartzenberg, and that Gen. Eartel has advanced to and occupied Mohiloff. I have the honour to be, &c.

CATHCART.

Jamich, Nov. 15.

MY LORD,—I am very happy to inform your Lordship, that Victor has failed in fulfilling the orders he received from Bonaparte, to drive Count Wittgenstein behind the Dwina. He attacked yesterday morning: Count Wittgenstein ordered the advanced guard to retire to the position. This was executed in a masterly manner; they retired in echiquier, under a very heavy fire, as if it was on a field day. In the position, the French were received by a well directed fire from the artillery; by which they must have lost a great number in killed and wounded, I suppose between two or three thousand. The firing only ceased about seven in the evening. The French had made strong demonstrations on both wings, but the centre was chiefly engaged. This morning they began their retreat towards Semo. The troops who are in pursuit have as yet made about six hundred prisoners. It is really a pleasure to see these troops fight. The new-raised militia vie with the oldest regiments. One battalion of this militia being with the advanced guard, on receiving orders to fall back, first refused to do so, saying, the Emperor had not sent them there to retire, but to advance and beat the enemy, which they were willing to do.—I have, &c. &c.

DOUBERG.

St. Petersburgh, Nov. 25.

MY LORD,—In addition to my Dispatch of the 23d inst., I have now the happiness to inclose a translation of Reports which have been received from Field Marshal Prince Kutusoff, of the 18th and 20th instant, containing the details of the total defeat of the divisions of the French army, under the command of Marshals Davoust and Ney. Near 200 cannon and 20,000 prisoners have been taken in these affairs. Bonaparte is stated to have been with Marshal Davoust's corps in the night from the 16th to the 17th, and to have left the field of battle at full speed. Every measure of precaution that could be thought of at this distance, has been provided for by the Emperor to prevent the escape of the enemy; and it appears that every exertion has been made by the several Commanders of corps near Smolensko. Bonaparte has probably sent forward his favourite Guards, the Polish divisions, and part of the Italian; but if Admiral Tchichagoff has arrived at his ground, it does not appear that this corps would escape to the frontier. The display of force before General Count Witgenstein's post, after the attack, was probably with intention to favour the movement of the corps which have marched upon Minsk. It is not improbable that part of Victor's corps may have taken the same direction. Gen. Wittgenstein is reinforced by the cavalry formerly under General Winzingerode, for the present commanded by Major Gen. Kutusoff, who has made a most rapid march to Babinowitch, where he arrived time enough on the 18th to receive 400 prisoners from one of the French divisions. He has also taken two Generals and one Colonel. The French, with their usual savage and sacrilegious ferocity, wantonly blew up the venerable cathedral of Smolensko before they left that place. Te Deum has been sung this day in the great cathedral, in presence of their Imperial Majesties and the whole Court; the "Baton de Mareschal" of Marshal Davoust, and such of the eagles and colours taken in the last affair as are already arrived here, were previously brought to the cathedral, in which the other numerous trophies of war are already deposited.—I have the honour to be, &c.

CATHCART.

The Commander in Chief, General Field Marshal Prince Kutusoff, from his head-quarters at the village of Dubrovo, submits to his Imperial Majesty the two following Reports:—

FIRST REPORT, DATED NOVEMBER 18.

After the battle, near Viasma, of the 22d October, my army made every effort to turn, if not all the enemy's corps, at least its advanced guard, on the road from Jelna to Krasnoi, in which it completely succeeded on the 17th and 18th of November. The 16th of November, the army made a movement by advancing five wersts, as far as the town of Krasnoi. The advanced guard fell in with the enemy, who were completely defeated by Lieut.-Gen. Onverow. On this occasion we became masters of one standard, some cannon, and made a great number of prisoners, one of whom was a General. General Millarzdovitch, commanding the advanced guard, with the 2d light corps of infantry, and the 2d of cavalry, perceiving the corps commanded by Marshal Davoust advance near Krasnoi, detached thither Lieut.-Gen. Prince Galitzin. The enemy, conceiving himself turned on all sides, began to defend himself. Our artillery made a terrible carnage in the enemy's ranks. Napoleon himself was an eye-witness of the battle; and not waiting for the issue, he fled with his whole suite to the village of Liadam, and abandoned the corps of Davoust. The battle lasted the whole day; the enemy were completely defeated and dispersed in the neighbouring woods, for a distance of five wersts along the banks of the Dnieper; thus the corps of Gen. Davoust has been completely destroyed. The loss in killed and wounded is immense: We have made prisoners two Generals, 58 Officers of different ranks, 9170 men, 70 carriages, three standards, and taken the baton of Marshal Davoust. On the 17th of November, being informed that the corps of Marshal Ney, forming the rear guard of the enemy, was moving in the road leading to Krasnoi, I made the following dispositions:—

SECOND REPORT.

In order to obtain a certain victory over Marshal Ney, and to cut off entirely his communication with the rest of the army, I reinforced Gen. Millaradovitch with the 8th corps, giving him orders to prevent the Marshal's advance, and to take a position near the villages Syroherenic and Tcherniska. Major-General Lourkouski perceived, about three in the afternoon, the enemy advancing. The thickness of the fog prevented him from ascertaining his numbers, who kept marching forwards till they were close to our batteries. The enemy attempted in vain to pierce through our lines, received, at the distance of 240 paces, a general discharge of musketry and of forty pieces of cannon: the effect of this fire upon the enemy was extremely fatal. Finding he had no hope of escaping, he at length sent a flag of truce to Gen. Millaradovitch. At midnight the whole corps d'armée of the enemy, amounting to 12, 00 men, were obliged to lay down their arms. All their artillery, in number twenty seven pieces of cannon, all the baggage and military chests, were the fruits of our victory. In the number of prisoners are above one hundred officers of different ranks. Marshal Ney was wounded, but saved himself by flight, and was pursued by the Cossacks beyond the Dnieper. The loss of the enemy is enormous: according to the report of the prisoners, four Generals of Division were wounded. We have not lost about five hundred men in killed and wounded. The army is at present at Krasnoi, and the advanced guard at Dowbrowna, from whence we shall follow the movements of the enemy. Gen. Platow informs me by a private letter unsealed, that the enemy left behind him, seventeen wersts from Smolensko, a great quantity of artillery, amounting to 112 pieces.

Letter of General Count Platoff to the General Field Marshal, dated 17th of November.

After the signature of my Report to your Highness, Captain Parkin arrived with the rations, and states that, at the distance of seventeen wersts from Smolensko, in the great road, he had

counted 112 cannon, besides a great number of tumbrils and carriages. I am not able to send your Highness a Report in form, not having received it from the Governor of Smolensko. I join the unanimous voice of the troops in pronouncing, *Hourra! your most Serene Highness!*

SATURDAY'S LONDON GAZETTE.

Admiralty-Office, Dec. 19, 1812.

Admiral Sir Richard Bickerton has transmitted a letter from Captain Hichens, of his Majesty's sloop Zephyr, giving an account of his having, on the 10th inst. captured the American letter of marque schooner Antelope, of ten guns and thirty-two men, bound with a cargo from New York to Bourdeaux.

BANKRUPTS.

G. White, Worthing, Sussex, brazier.
W. Cook, Worthing, Sussex, brewer.
R. Good, Worthing, Sussex, baker.
W. Baker, Bridgwater, Somerset, salesman.
H. Nodin, Lime-street, London, merchant.
G. Sedgwick, Sun Tavern-Fields, victualler.
S. Meanley, Manchester, merchant.
W. Wicks, Worthing, Sussex, fish buyer.
E. Robinson, Bramley, Yorkshire, cloth manufacturer.
B. and A. Benjamin, Bridges-street, Covent-Garden, wine-dealers.
H. Grammar, Boswell-Court, Queen-Square, cheesemonger.
G. Walton, Ledbury, Herefordshire, innholder.
W. Pain, Plymouth, carpenter.
W. Forrest, Shiffnal, Salop, threshing-machine-maker.
W. Ayton, New-Inn Yard, Shoreditch, victualler.
B. Austin, Minories, furnishing ironmonger.
I. Makerow, Gosport, Southampton, slopseller.
W. Wilmot, Googe-Street, Tottenham-Court-Road, stationer.
M. Evans and W. Evans, Portsea, grocers.
J. Bell, Liverpool, auctioneer.
T. Strafford, Holborn-hill, haberdasher.
T. Walthew, jun. Liverpool, draper.
H. Nunn and J. Barber, York-street, Covent-garden, lacemen.
H. Phillips, Portsea, slopseller.
H. Lasdon and J. Child-, Billiter-lane, spirit-merchants.
P. Godefroy and G. M. Stevens, Old Nichol-street, Bethnal-green, silk-dyers.
H. Knight, Steyning, Sussex, cooper.
J. Gibborn, Dennington, Suffolk, innkeeper.
J. Butler and G. Beecroft, sen. Kirkstall-Forge, Leeds, and T. Butler, Calder Iron-works, Dewsbury, ironmasters.
T. Butler and W. E. Hodgson, Calder Ironworks, Dewsbury, York, ironmasters.

PRICE OF STOCKS ON SATURDAY.

Consols.....62 1/8 | Red. Ann.....61

We shall be happy to hear from our Correspondent F. R. S., whose praises, as well as those of some other readers, we feel as we ought.

ANTIENT JUDGES, next week.

EUGENIO must really take another perusal of our notice to unanswered Correspondents, and excuse us accordingly, as we have no doubt he will, if he is the well-tempered man he appears to be.

THE EXAMINER.

London, Dec. 20.

New and formidable accounts of Russian exploits have arrived in the course of the week from Lord CATHCART, who seems to have an accommodating faith in all that is told him. According to these, the Russians are still cutting up the French at their leisure in all directions; nine thousands and twelve thousands of them are taken at a time; and Colonels of horse ride through desperate roads, of which we have heard so much, at the rate of a hundred miles a day for five days together. In the course of these lively proceedings, two or three couriers are luckily taken, and from them it is *ascertained*, that BONAPARTE was at Smolensko on the 13th November. The conquerors then set off again with their fine animal spirits, and are content not to know or hear any thing about him for some days, when it is "*stated*" that he was in a battle that took place with the corps of Marshal DAVOUST on the night of the 16th.—It is quite ludicrous to take any thing upon trust from such documents as these, which represent the enemy as retreating under the most desperate circumstances, and yet know nothing of the Commander who leads them. The plain truth still seems to be, that BONAPARTE is retreating under all the *disadvantages* that can assail an army disappointed of quarters, in a terrible season of the year, and with a cloud of skirmishing enemies about it; and at the same time with all the *advantages* that previous victory and superior skill can afford him; for it is quite evident, that instead of his being a muffled and desperate fugitive, the enemy are still glad to keep clear of him, otherwise they must be the poorest tacticains existing.

From the exaggerations and inconsistencies of these military details, whether Russian or French, it is quite refreshing to turn about to a state paper, which, though we are far from being very American in our tastes, we do not hesitate to pronounce the most rational, frank, and dignified, that has appeared in our own times. It is dignified indeed, because it is frank; for it is quite a new thing to hear the Chief Magistrate of a nation candidly confessing it's losses and reverses, speaking of a hostile and galling enemy with spirit, but not with contumely, and altogether exhibiting a calm love of truth and contempt of disguise, which are among the finest marks of a wise as well as upright mind. We confess it gives us a very different impression of Mr. MADISON'S character from what we were led to expect. At the same time, we do not think it entirely dispassionate with regard to its home concerns, and are not sure that in the hint respecting the necessity of great military establishments, we do not see the first declared symptom of the fate to which the American Republic will ultimately come, though without meaning to impute to Mr. MADISON the least intention of forwarding it. We only think he should have forborne giving his opinion, till the constitutional point in dispute between him and the Governors was settled.

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A letter from Aldborough, dated Dec. 18, says, "I have to communicate the melancholy loss of his Majesty's cutter *Albax*, commanded by Lieut. KAY; she was driven from the Holland station by the present very heavy gale,

forced on shore here this morning, and is a complete wreck. I am extremely sorry to say, that out of a crew consisting of 56 men, three women, and two children, only one woman, servant to Mrs. Key, and a young man, seaman, of the name of James Newton, are saved. The Surgeon, Mr. James Thompson, came on shore with some life in him, but he died immediately afterwards."

Ex Officio Informations.—Lord Holland has given notice of his intention, at an early period after the holidays, to present a Bill relative to Ex Officio Informations. His Lordship stated, that he should not have again pressed this subject, had his former Bill been under the consideration of a large portion of the House; but the fact was, it was brought forward at a late period of the session, when the attendance was thin, and therefore he proposed to renew the measure at an early opportunity after the recess.

Mr. Lockhart yesterday gave notice in the House of Commons, that he should, on the 25th of February, move to refer to a Select Committee the Proceedings and the Report made in the late Parliament on the Petition of the American Merchants, claimants.—He also gave notice, that he should, on an early day after the recess, call the attention of the House to the effects of the present system of Bankrupt Laws on the morals of the people; and also to the mode of administering those Laws by Commissioners.

If the Russian Bulletins are to be believed, Bonaparte has not now a corporal's guard left out of his whole "grand army," and they are without shoes, according to the ministerial papers.

Considering that Napoleon and his Army have been so long and so completely surrounded by the Russians, the news of their capture is rather tardy in its arrival.

THEATRICAL EXAMINER.

No. 125.

COVENT GARDEN.

Don Sebastian, the original on which Mr. Reynolds modestly tells us his "new" piece of the *Renegade* is "founded, is deservedly reckoned the best dramatic production of Dryden. It is the best, not because it has individual passages of finer writing, nor even because its story is of a more probable and interesting description, but because it has one or two whole scenes of unadulterated nature; for Dryden's talent was not dramatic; and as he happened to light on an age whose taste was vicious and affected, the want of true powers for the stage suffered him to fall in with the errors of the time, and most of his tragedies, with their over-wrought language and heroism, are little better than so much gigantic boy's-play. *Don Sebastian*, however, was written after the Revolution, when the necessity to please a vicious taste had gone by, and the author was at leisure to use his stage-knowledge in aid of his better judgment. He accordingly seems to have resolved upon pleasing both himself and his audience in the best possible manner, and to have gone about his task with all the ardour of a renovated youth, which retained nothing of age but its experience. The ground-work of his story—that of a King, who had vanished from his defeated army, and was never seen afterwards, is at once romantic and historical; the most original and extreme of the characters, *Dorax*, is at the same time the truest to nature; and if, as he tells us in the Dedication, he hazarded some novelties of language founded upon classical and foreign idioms, the result proves that he hazarded well, for they are no longer discernible by the general eye, but have grown into and become part of the noble structure of our habitual English. Upon the whole, though the bad habits of former days occasionally interfered in the composition, *Don Sebastian* is a noble play, and may stand first in the list of those which have not absolutely been struck out of the pure heat of nature, like Shakspeare's, and some of the old dramatists'. It is the triumph of nature over a powerful intellect, which eventually supplied by its own experience and judgment what it had not received from genius and taste. As to the comic part, it is like most of Dryden's comedy, despicable enough. There is no author for whom one feels so much humiliated in this respect—not even Massinger; for Massinger was a less gifted writer, and is of comparatively obscure reputation; but Dryden fills a prominent and majestic part in the train of our native poets, and when you come upon him in these moments of ribaldry and buffoonery, the contrast gives you unmingled mortification.

Mr. Reynolds could not well make his original worse in this respect, and therefore may be forgiven, and even thanked, for substituting a humourous part of his own, which however farcical and common-place, has the merit of decency. But the serious part was too much for his profane touching, and he has made grievous work with it. A writer who should sit down to alter this play with the least proper knowledge of his subject, would at least take care of two things:—he would study to preserve all the striking and novel effect of the original story, and would omit only such passages as were written in a decidedly wrong taste, and as he might suppose the author himself would have avoided had he been now living. Mr. Reynolds does the very reverse. Instead of adopting the ingenious and striking contrivance of Dryden to fall in with the historical fact of the King's disappearance, and sending him into a hermit's solitude for the remainder of his days, on the discovery of an involuntary incest with his sister, he ruins the story by giving it a common-place bridal conclusion; and with regard to the language, he seems to have taken pains to preserve some of the most objectionable and bombastic passages, if we can suppose any design of such a nature on the part of a writer who evidently does not know the difference between bad writing and good. But the songs! the songs!—Mr. Reynolds, in cutting down a fine tragedy into a three-act melo-drame, must give us some vocal music; and of all our other poets, Dryden unfortunately happens to have been remarkable for the strength and beauty of his lyric pieces; they have not the fancy of Shakspeare, or Beaumont and Fletcher, nor the complacent courtliness of Waller, nor the idiomatic ease and familiarity of Prior, but a stateliness and a harmony, a certain princely condescension of power, peculiar to themselves, and quite provocative of the musician's march and accompaniment. His two divine odes on St. Cecilia's Day need not be instanced; but such, among a variety of small pieces, are his "Come, if you dare," his "Fair Stranger," the dance and music itself of

> High state and honours to others impart,
> But give me your heart;
> That treasure, that treasure alone
> I beg for my own;—

and above all, the magnificent and appalling song upon Jealousy, with its impassioned burthen. Now only think of this well-meaning gentleman, Mr. Reynolds, who, till the *Examiner* taught him, did not even know how to rhyme, sitting down to supply one of Dryden's pieces with songs of his own, in default of having any to his hand! He could not take some of the fine compositions above-mentioned, and let the author have his own limbs, however illtreated, but must absolutely force upon him his wooden substitutes, and make him such a spectacle as Tom D'Urfey himself would have pitied. But he will think himself ill used without a specimen:—

CHORUS.

This festive day,
Be joyous, gay,
Battle no more raging;
Mild as the peaceful dove,
Ev'ry care assuaging,
She'll our guardian prove. &c. &c.

SONG.

My hero is flown,—to the wars he is gone,
And Olivia has cause to complain;
But glory his aim she shall proudly exclaim,
"Go, and conquer again and again!"

Olivia might moan that she's thus left alone,
Yet so pleas'd that she cannot complain;
So, may all he'll fight, like Pedro take flight,
Oh! he'll conquer again and again.

Our readers will pity and excuse us in being obliged to take up their time with these quotations, but such is the eternal sameness of exposure after which some of them are so eager under the head of *Theatrical Criticism*.

Mr. Bishop, it is clear, had no very great inspiration in such words, but we have heard much better music of his with nearly as bad. The best part of the novelty, as usual, was the scenery and dresses, and these, we suspect, Dryden himself would have envied. In one of the scenes, a water-spout at sea is introduced with great effect, though the waves heave rather asthmatically at first, and are somewhat stiff in the tumbling. A little good-natured fancy, however, on the part of the audience, remedies all; and a spectator, abstracting himself for a few moments, may regard with awful sensations the conscious shivering of the waters, and the congregation of dark rolling clouds above them, gathering together to discharge what they suck up, and to overwhelm the vessel that is fated to come beneath them.

Mr. Charles Kemble performs *Don Sebastian* with much spirit, particularly in the part where he is reconciled with *Dorax*. The affectionate and re-assuring drop of his hand on the latter's shoulder, when *Dorax* has bent down and turned aside in the anguish and shame of returning loyalty, is extremely touching and well conceived. He also looks and dresses the character with all possible princeliness. The fit of his shape, the partial and glittering pieces of armour, the fall of a light ermine behind shadowing but not concealing the bare throat, and the cap with a dropping feather, make him appear like the fancy of a poet embodied, or a cavalier just stepped out of the frame of a Titian.—What a change from the time of Dryden, when *Don Sebastian* lorded it about in trunk breeches, and was compelled to look as royal as he could manage in a full-bottomed periwig.

But the great interest of the piece is in the *Dorax* of Mr. Young, who feels more than almost any actor on the stage what may be called the equability of a part,—the true consistent carriage and continued mind. Thus, in the one before us, he carries his pride and his grief about with him in every look and on every occasion, small and great, joyous or the reverse; his mind is evidently dependent on nothing around him; and before you know his story, or have heard him say much, you could almost guess that there was some great wound in his pride by his disdainful melancholy aspect. The stiff-erected posture, and loud impatience, with which he receives the Emperor's order to dispatch *Sebastian*, and sullenly cries without moving,

I *hear* you, Sir—I'll take my time and do it—

are exceedingly striking, and produced a burst of applause from the audience. It is a fine specimen of loudness without rant.

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WESTMINSTER MEETING.

On Monday a number of the Electors of Westminster had a dinner at the Crown and Anchor, to celebrate the election of Sir Francis Burdett and Lord Cochrane.—Mr. Wishart was in the chair.—After a short speech from the Chairman, shewing, in his usual sensible manner, the advantages of electing, free of all expence, men for their Representatives who would never betray the sacred trust they were chosen to defend, "the Sovereignty of the People" was drunk with much applause. Some other toasts were then disposed of, and "the Constitutional Asserter of the People's Rights, Sir F. Burdett," being given,—

Sir F. Burdett rose, and returned his best thanks: he said, that he should never relax in the cause of Reform; but the late appeal to the people, as they called it—rather savoured to damp his hopes of success than otherwise. When he cast his eyes over the representation of the country, he saw no such bodies of electors as those of Westminster. He saw no great bodies of men who were permitted to choose their Representatives. It appeared to him, however, that it was a great argument on the side of the people, to shew, that in the Metropolis, where corruption must be supposed to be predominant, yet whenever the election was really in the hands of numerous bodies of electors, corruption could not prevail against them. (*Applause.*) When he heard of the popular spirit which was manifested in other places, and the exertions which were made at Liverpool to return a candidate whose merits and talents were generally acknowledged by the country, he could not see that there was any ground of hope in the late contest, which shewed, that a man of the most undoubted merit, and the highest claims upon the country, would, under the present system of election, be defeated by the Court candidate. He hoped, however, that the rejection of a man of such claims as Mr. Brougham, would have a good effect in opening the eyes of the people to the present system of election. He should next advert to a subject which was always considered as one of the dearest rights of Englishmen—*the freedom of the press*. He considered that the mode of proceeding lately, and the severity of the sentences pronounced in the case of libel, made the Court of King's Bench now differ very little from the odious Court of Star Chamber. He would not allude merely to the case of Mr. Drakard (whom he considered to have deserved highly of

his country), for publishing a very able essay against the base, cruel, and unmanly system of flogging soldiers with that horrible severity which had been too often practised; for to the cases of Mr. Cobbett, or Mr. Hunt, who was lately convicted of a libel. Much had been said of the tyranny of having a supervisor and licenser of the press, with power to prescribe what should or what should not be published; but it appeared to him that the present system was much more illegal and unjust. A *sham trial*, and *oppression* under the *forms* and *colour* of law, was of all oppressions the most grating and unjust. In the power that was now given to an Attorney-General of filing his informations *ex officio* against any man he pleased, of withdrawing that trial at his pleasure, or of keeping it suspended over the head *until he could get exactly such a Jury as he could wish*, there was all the mockery of justice without any of the substance. He would ask those twelve Gentlemen who convicted Mr. Hunt, of what they found him guilty? If it were only of writing a libel, or a little book, that could not be denied. He would insist, however, that this was a crime of modern creation, and that our ancient laws were silent about the crime of writing a little book. The Electors of Westminster had done their duty fully to the country; and as for him, he should endeavour so to act as not to disgrace their choice. He should continue in the course he had hitherto pursued, of speaking at all times, fairly, without disguise or apprehension of consequences, *the truth*, in defence of the rights of his country. (*Great applause.*) He felt that he was always contending for that only which was becoming of good subjects to ask, and which a benevolent and patriotic sovereign might well grant. He should consider his life well spent in a constant struggle to rescue his country from the oppression of the oligarchy which has seized upon its government. He wished for the dominion of the ancient law of the country, by which the Sovereign held his crown, and which was therefore above the Sovereign. He certainly thought that the Representatives of the People, fairly chosen, would be the proper persons to examine the accounts of the public expenditure; and although he had heard many sneers against people of low origin, and much said about the advantages of high birth, yet he must say, that he should expect to find at least as great talents among the people, as among the aristocracy. If they were even to require men of great geniuses, he would expect to find these great geniuses as soon among men bearing *pitch forks* as among men bearing *white staves*.—(*Laughter and applause.*)—If the actual situation of the country were considered, the accumulation of its taxes, and the dreadful severity of the inquisition to which every body was liable in the collection of those taxes, he must say, that he could conceive no other remedy for those evils, but a full and fair Representation of the People in the House of Commons. This was what he conceived to be the fundamental basis of the Constitution; for the attainment of which he should never relax in his efforts. Those efforts, he feared, would, however, be unavailing, unless backed by the people. He might bring the subject of Reform forward again, as he had done before; but he could have no hopes of success, unless his efforts were backed by the petitions of *millions*. To millions that cause was most interesting, and if they did come forward peaceably, and exercising their undisputed right of petition, he thought that no Government would venture long to resist that which should appear to be the decided sense of the country.

This speech was followed by loud applauses.

On the health of Lord Cochrane being drunk, his Lordship returned thanks in a short speech. A number of patriotic toasts were given, and the meeting broke up with the utmost order.

ADMIRALTY SESSIONS.

On Wednesday, the *Marquis of Sligo* was tried for unlawfully receiving on board his ship William Elden and other seamen in the King's service, and detaining, concealing, and secreting them, &c. &c.—It appeared that the defendant was a young Nobleman, who was on his travels in 1810, and had touched at Malta, where he had been introduced to Captain Sprainger; he wished to have a ship of his own, and had hired a vessel called the Pylades. He had received assistance from Captain Sprainger in the outfit of his vessel, and had been in the habit of being carried backwards and forwards in the Captain's boat by four picked men: before the vessel of Captain Sprainger left that station, two of these men were missing—men of tried fidelity and long standing; these men had attracted the admiration of the defendant, and from a suspicion that they were in his service, Captain Sprainger paid him a visit. The defendant expressed himself hurt at the suspicions of Capt. Sprainger, who, from his acquaintance with the Marquis, contented himself with cautioning him on the subject, and representing to him the state of the service, which was then very low. A lieutenant and a midshipman however searched the defendant's vessel. He denied that he had any such men on board, and during the search went through the ship with them with a lighted candle. They asked if they had seen all the crew? The Marquis, on his word, assured them that they had, though the seamen whom he had enticed were concealed in a place under the defendant's cabin, as was afterwards sufficiently proved. After an unavailing defence, the Marquis was found guilty, and sentenced to four months imprisonment in Newgate, and a fine of 500*l*.

Thos. Younghusband was found guilty of serving as a surgeon on board a French privateer, called the Philosopher, which was taken by the Desiree frigate. The Jury, however, recommended him to mercy, which the Judge, in passing sentence of death upon him, said should be attended to. (His father, it seems, had lived at Ostend for many years previous to the French Revolution.)

John Bruce was also found guilty of the murder of James Dean, a ferry-boy, by cutting his throat in a boat, and throwing him over. (This case was given in a former paper.) The wretched man, when called upon for his defence, merely replied, "the charge is true." Before sentence of death was pronounced upon him, he requested that as much time as possible would be allowed him to make his peace with God. He was sentenced to be hanged at Execution Dock on Monday.

On Friday, *C. F. Palm* and *S. Telling* were found guilty of having murdered James Keith, Captain of the Adventure, by first striking him on the head with a hammer, and then throwing him into the sea.—(This is the case which appeared in the late Police reports.)—When the awful sentence of death was pronounced, Telling, addressing himself to Palm, said, "I owe this sentence to you—did you not tell me, that if I did not join, I should be used in a similar manner myself?"—Palm, taking his God to witness, protested, that he had never used any threat of the kind.—Telling replied, that he esteemed himself as now in the presence of God, and as before him now made the assertion. He knew he was to die; but he felt that, as to this, he should die innocent. Thus recriminating, and evincing in their looks and gestures the utmost detestation of each other, the prisoners were removed from the dock.

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